

REMARKS

I. Introduction

Claims 10 to 34 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 10 to 18, 20, 22 to 23, 30 and 33 to 34 Under 35 U.S.C. § 102(b)

Claims 10 to 18, 20, 22 to 23, 30, and 33 to 34 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,031,738 ("Lipo"). It is respectfully submitted that Lipo does not anticipate the present claims for at least the following reasons.

The Final Office Action of March 7, 2008 asserts that Lipo clearly shows in figures 1 and 2 how the power lines 33/34 are connected to the motor *through inverter 45*. However, claims 10 and 22, for example, recite that supply lines of an output stage are connected to an electromotor and that a brake is supplied from *a brake control connected to the supply lines* by at least one capacitor. Therefore, the brake control is supplied by the supply lines of the output stage which supply the motor. In Lipo it is "inverter 45 which provides three-phase output power on output lines 46 to a three phased load 47 (e.g., a motor)". Col. 6, lines 10 to 11. Therefore the Final Office Action effectively admits that according to Lipo, DC bus lines 33 and 34 (which supply the brake control), are **not** supply lines (output lines 46) of an output stage (inverter 45) which supply the motor (three phased load 47). Therefore there is no anticipation by Lipo.

According to the Advisory Action, "[i]ndependent claim 10 does not describe that the supply lines of the output stage be connected to the capacitor, claim 10 recites supply lines being connected to the capacitors [sic]." However, the only supply lines referred to in claim 10 are "supply line **of the output stage**." According to the Advisory Action, "[t]he examiner used supply lines 33/34 as the supply lines being connected to the capacitors." DC bus lines 33 and 34 do not constitute "supply lines of the output stage connected to [an] electromotor" since lines 33 and 34 are not connected to the load 47; and DC bus lines 33 and 34 do not constitute "the supply lines" in the context of "a brake supplied from a brake control

connect to **the supply lines** by at least one capacitor” since lines 33 and 34 are not connected to the load 47, as they must to be properly considered “the supply lines” in the context of claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 21 Under 35 U.S.C. § 103(a)

Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over Lipo. It is respectfully submitted that Lipo does not render unpatentable claim 21 for at least the following reasons.

Claim 21 depends from claim 10 and therefore includes all of the features included in claim 10. As more fully set forth above, Lipo does not disclose, or even suggest, all of the features included in claim 10, from which claim 21 depends. As such, it is respectfully submitted that Lipo does not render unpatentable claim 21, which depends from claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 19, 24 to 29 and 31 to 32 Under 35 U.S.C. § 103(a)

Claims 19, 24 to 29 and 31 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Lipo and U.S. Patent No. 5,892,341 (“Chmiel”). It is respectfully submitted that the combination of Lipo and Chmiel does not render unpatentable claims 19, 24 to 29 and 31 to 32 for at least the following reasons.

Since claims 19 and 24 to 29 depend from claim 10 and since claims 31 to 32 depend from claim 22, it is respectfully submitted that claims 19, 24 to 29 and 31 to 32 are patentable over the references relied upon for at least the reasons more fully set forth above. Lipo does not disclose, or even suggest, all of the features included in claims 10 and 22. Chmiel does not cure the critical deficiencies noted above with respect to claims 10 and 22. As such, it is respectfully submitted that the combination of Lipo and Chmiel does not render unpatentable claims 19, 24 to 29 and 31 to 32, which depend from claims 10 and 22.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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